

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION**

BERNICE YOUNG,

Plaintiff,

v.

LIBERTY MUTUAL FIRE  
INSURANCE COMPANY,

Defendant.

Case No.: \_\_\_\_\_

**NOTICE OF REMOVAL**  
**[28 U.S.C. § 1441, et seq.]**

**TO:** The Honorable Peter A. Moore, Jr.  
Clerk of United States District Court  
Eastern District of North Carolina  
United States Courthouse  
P.O. Box 25670  
Raleigh, NC 27611

**PLEASE TAKE NOTICE** Defendant, Liberty Mutual Fire Insurance Company (“Liberty Mutual”), hereby gives notice of the removal of the above-captioned action, pursuant to 28 U.S.C. § 1441, *et seq.*, from the Superior Court of Sampson County, North Carolina, to the United States District Court for the Eastern District of North Carolina, Southern Division. As grounds for this removal, Liberty Mutual states:

1. On or about March 9, 2020, Plaintiff, Bernice Young (“Plaintiff”), commenced a civil action against Liberty Mutual by filing a complaint in the Superior Court of Sampson County, North Carolina, Civil Case No. 20-CVS-292 (“State Court Action”). In the complaint, Plaintiff states claims against Liberty Mutual for alleged breach of contract and alleged unfair or deceptive trade practices under N.C. Gen. Stat. §§ 58-63-

15 and/or 75-1.1, *et seq.* See Complaint and accompanying summons attached hereto as Exhibit A, ¶¶ 19-31. Plaintiff's claims against Liberty Mutual allegedly arise from its denial of all or part of a property damage claim Plaintiff filed under a homeowner's insurance policy issued to her by Liberty Mutual. *See id.* ¶¶ 8-18.

2. On or about March 30, 2020, Plaintiff filed an Amended Complaint in the State Court Action. In the Amended Complaint, Plaintiff realleged her claims against Liberty Mutual for alleged breach of contract and alleged unfair or deceptive trade practices under N.C. Gen. Stat. §§ 58-63-15 and/or 75-1.1, *et seq.* See Amended Complaint attached hereto as Exhibit B, ¶¶ 19-31. Plaintiff's claims against Liberty Mutual allegedly arise from its denial of all or part of a property damage claims Plaintiff filed under a homeowner's insurance policy issued to her by Liberty Mutual. *See id.* ¶¶ 8-18.

3. As a result of Liberty Mutual's alleged conduct, Plaintiff alleges in her Amended Complaint that she has sustained damages in excess of \$25,000.00. *See* Exhibit B at ¶ 22 and ¶ 32. Plaintiff further asserts that she is entitled to three times the compensatory damages fixed by a verdict in this action as provided by N.C. Gen. Stat. § 75-16.1, *see* Exhibit B at ¶ 33. Plaintiff filed her action with the Superior Court of Sampson County, N.C., which court has jurisdiction over all civil matters exceeding \$25,000.00 under N.C. Gen. Stat. § 7A-240 and 243. Accordingly, it is apparent from the face of Plaintiff's Amended Complaint that the \$75,000.00 monetary threshold for removal, exclusive of interests and costs, under 28 U.S.C. § 1332 has been met.

4. Plaintiff served process issued to Liberty Mutual in the State Court Action through the North Carolina Department of Insurance on March 23, 2020, and the North

Carolina Department of Insurance, in turn, forwarded a copy of the summons and complaint to Liberty Mutual, which received process on March 26, 2020. A copy of the relevant correspondence evidencing service is attached hereto as Exhibit C.

5. Based on the service dates above, Liberty Mutual is timely filing this notice of removal within 30 days after receiving the first pleading or notice that the State Court Action may be removed to this Court under 28 U.S.C. § 1446(b)(1).

6. Since the alleged amount in controversy in the State Court Action exceeds the sum of \$75,000, exclusive of interest and costs, this Court has original jurisdiction over the action, pursuant to 28 U.S.C. § 1332, since there is complete diversity of citizenship among the parties by virtue of the allegations in Bernice Young's Amended Complaint and the fact that:

- a. Plaintiff is a resident of North Carolina. *See* Exhibit B at ¶ 9; and
- b. Upon information and belief, Plaintiff is a citizen of the District of Columbia. *See* Exhibit D, Plaintiff's Voting Record;
- c. Liberty Mutual is a corporation organized under the laws of the State of Wisconsin that maintains its principle place of business in Boston, Massachusetts. *See* Exhibit E, Liberty Mutual Fire Insurance Company's registration information on file with the National Association of Insurance Commissioners, as maintained by the North Carolina Department of Insurance.

7. The State Court Action is currently pending in the Superior Court of Sampson County, North Carolina, which county is located within the geographic

boundaries for this Court's Southern Division; therefore, the venue of this action is proper with this Court upon removal pursuant to 28 U.S.C. §§ 1441(a) and 1446(a).

8. Liberty Mutual will promptly notify Plaintiff, along with the Clerk of Court for Sampson County, North Carolina, of the removal of the state court action to this Court through the filing and service of this notice with said Clerk of Court, as required by 28 U.S.C. § 1446(d).

Respectfully submitted, this the 22<sup>nd</sup> day of April, 2020.

WALL TEMPLETON & HALDRUP, P.A.

By: /s/ Brianna H. Walther  
Brianna H. Walther (NCSB 52443)  
1001 Wade Avenue, Suite 423  
Raleigh, North Carolina 27605  
Tele: (919) 865-9500  
Fax: (919) 865-9501  
Email: [brianna.walther@walltempleton.com](mailto:brianna.walther@walltempleton.com)

*Attorneys for Defendant Liberty Mutual Fire  
Insurance Company*

### **CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that she supervised her office in the service of the foregoing “**Notice of Removal**” on the following parties or on counsel for the parties to this action by depositing a copy of the same in the United States mail, postage prepaid, addressed as follows:

Matthew S. Bissette, Esq.  
WHITLEY LAW FIRM  
3301 Benson Drive, Suite 120  
Raleigh, NC 27609  
*Attorneys for Plaintiff*

Submitted this 22<sup>nd</sup> day of April, 2020.

WALL TEMPLETON & HALDRUP, P.A.

By: /s/ Brianna H. Walther  
Brianna H. Walther (NCSB 52443)  
Email: [brianna.walther@walltempleton.com](mailto:brianna.walther@walltempleton.com)

*Attorneys for Defendant Liberty Mutual Fire  
Insurance Company*